

An Act to amend chapter 49 of the Consolidated Statutes for Upper Canada, respecting Joint Stock Road Companies.

**W**HEREAS it is just that Road Companies or Municipal Councils, allowing their roads to get out of repair, and not the free-holders complaining of such want of repair, should pay the expense of an official examination of any such road, under the Act hereinafter mentioned: Therefore, Her Majesty, &c., enacts as follows:—

Preamble.

I. Whenever the County Engineer, or any other Engineer has, under the provisions of the 85th section of chapter 49 of the Consolidated Statutes for Upper Canada, been directed by the Judge of the proper County Court, to examine any road, such County or other Engineer, shall, before proceeding to make such examination, be sworn before such County Judge, or some Justice of the Peace for the County, carefully and impartially to examine into the state of such road, without favour or affection for either party; and such County Judge or Justice of the Peace shall grant a certificate that such Engineer has been so sworn before him, which certificate shall be evidence that such Engineer has been so sworn.

Engineer acting under sect. 85 of cap. 49 of con. stat. U. C. to be sworn, &c.

II. If upon examining the road the Engineer finds it to be in good repair, the costs attending the requisition to the County Judge, and the examination of the road, shall be paid by the freeholders who made the requisition; but if upon such examination the road is found so much out of repair as to impede or endanger Her Majesty's subjects and others travelling thereon, as stated in the requisition, then the Engineer shall proceed in the manner directed by the said Act,—but at the expiration of the time limited for the repairing of the road in his written notice left with any of the keepers of toll-gates, as required by the said Act, the Engineer shall again examine the road, and if he finds the same repaired in a good and efficient manner to his satisfaction, he shall certify the same if required by the Directors of the Road Company or by the Municipal Council having the management of the Road;—but if he does not find it so repaired, he may, in his discretion, by a permission in writing, allow further time for repairing the same without discontinuing the taking of Tolls, as provided in the said Act; or if he does not think proper to grant such permission, or if having granted it, he does not find the road properly repaired at the expiration of time limited in such permission, then the provisions of the 87th and 88th Sections of the said Act shall apply, and the Company or Municipal Council (as the case may be) shall not demand or take any toll from any person travelling with or without any beast or vehicle, for passing through the nearest toll gate on or on either side of the portion or portions of road so notified as out of repair, under the penalty mentioned in the said 88th Section, until the Engineer has again examined the road, and certified it to be in good and efficient repair.

Costs of examination by whom to be paid if the requisition is found unnecessary.

Proceedings if the road is found to be out of repair.